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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,261	04/14/2004	Kenneth M. Allison SR.	Allison-001	8093

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EXAMINER

RADI, JOHN A

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/825,261	ALLISON, KENNETH M.	
	Examiner	Art Unit	
	John A. Radi	3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-35, 37-39, 57 and 58 is/are pending in the application.
- 4a) Of the above claim(s) 1-23, 36 and 40-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24, 25, 27-30, 32-35, 37-39, 57 and 58 is/are rejected.
- 7) ☒ Claim(s) 26, 31, 33, 37, 38 and 57 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, in claim 33, 57 and those that depend from it, claims 37 and 38, the “pivotally mounted door affixed to the sub-floor ... [that] communicates between the outer surface of the sub-floor and said space defined by said subfloor and the bottom of said frame” must be shown or the feature(s) canceled from the claim(s). Similar objection to claim 37 which recites “a seat attached to said at least one pivotally mounted door, wherein said seat may be tilted upward” which is not shown in any of the drawings. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24, 30 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer (US 6494404) – hereinafter '404.

'404 teaches a passenger compartment (14) for use in an aircraft (78) comprising: an aircraft (78); a frame detachably mounted within aircraft (14); and at least one row of seats (38) removed along with said frame.

With respect to claim 30, '404 teaches a food module (42, fig 5).

With respect to claim 34, '404 teaches ingress/egress from more than one side (col 2 lines 5-10)

With respect to claim 35, '404 teaches a sub-floor defining a storage space (fig 4).

Claims 24, 27, 28, 35 and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Meyer ((US 3289981) – hereinafter '981.

Meyer teaches a passenger compartment (20) or use in an aircraft (30) comprising: an aircraft (30); a frame detachably mounted within aircraft (20); and at least one row of seats (fig 6, above subfloor – area designed for passengers – see col 1 para 1) removed along with said frame (fig 1).

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With respect to claim 27, '981 teaches a track (21) onto which the frame (20) is slidably mounted.

With respect to claim 28, '981 teaches wherein a winch type system and cable (col 2 lines 53-57) is provide for moving the compartment (20).

With respect to claim 35, '981 teaches a sub-floor defining a storage space (fig 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Meyer applications as applied to claim 24 above, and further in view of Bathurst (US 2388380). Meyer teaches the invention as described above with respect to Meyer, but doesn't teach more than one independent and interconnectable module. Bathurst

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teaches an airplane in which the fuselage is made of more than one independent and interconnectable module (fig. 1), the motivation being to provide for quick unloading/loading of the aircraft without unloading the respective compartments.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify either Meyer invention to include multiple independent and interconnectable modules.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Meyer applications as applied to claim 24 above, and further in view of Coughren (US 6007025). Meyer teaches the invention as described above with respect to Meyer, but doesn't teach a lavatory module detachable with the frame. Coughren teaches a stowable lavatory module for an airplane, the motivation for combining would be to provide the modules used in Meyer with a lavatory that takes minimal space. Therefore it would have been obvious to one skilled in the art at the time of invention to provide the passenger compartments taught by Meyer with a lavatory module.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Meyer applications as applied to claim 24 above, and further in view of Hart (US 5716027). Meyer teaches the invention as described above with respect to claim 24, but doesn't teach an overhead bin for storage that goes with the portable storage compartment. Hart teaches an overhead luggage bin that can be installed on existing aircraft, the motivation for combining being to provide additional storage in the unused space above the seats. Therefore it would have been obvious to modify the inventions

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of Meyer to provide for an overhead storage bin that goes with the passenger compartment.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Meyer applications as applied to claim 24 above, and further in view of Forster (US 6281797). Meyer teaches the invention as described above with respect to claim 24, but doesn't teach sensors in the sub-floor to detect the presence of articles within said space. Forster teaches a sensing apparatus for detecting the presence of luggage within the sub-floor (fig 12) the motivation for combining being to ensure that cargo with active tracking devices such as taught by Forster have their transmitters turned off prior to launching the aircraft. Therefore it would have been obvious to one skilled in the art at the time of invention to put sensors in the sub-floor of the passenger compartments taught by Meyer to detect the presence of an article within the space.

Claims 33, 37, 38 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Meyer applications as applied to claim 24 above. Meyer teaches the invention as described above with respect to claim 24, but doesn't teach door affixed to the sub-floor which communicates between the outer surface of the sub-floor and the space defined by the sub-floor and bottom of said frame. The examiner takes official notice that prior to current FAA regulations prohibiting access to the baggage hold in flight, it was well known in the art to provide a door communicating with the underneath baggage compartments to provide for access to the aircraft crew to subsystems of the aircraft in case of troubleshooting. Therefore, it would have been

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obvious to one skilled in the art at the time of invention to provide for access to the sub-floor compartment in the passenger modules taught by Meyer.

With respect to claim 37 and 38, Meyer doesn't teach a seat attached to the pivotal door, nor does it mention a direction in which the door would rotate. It would have been an obvious matter of design choice to locate a seat above the pivotal door, or choose the direction in which the door operates, since applicant has not disclosed that either of these features solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with said pivotal door and aforementioned seat attached therewith.

Allowable Subject Matter

Claim 26 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached form PTO 892 for a complete listing of prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Radi whose telephone number is 571-272-5883. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John A Radi
Patent Examiner
Art Unit 3641



for Michael J Carone
Supervisory Patent Examiner
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